

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
v.                             )       No.  
                                  )  
                                  )  
APPROXIMATELY 171 PIT BULLDOGS, )  
                                  )  
Defendant.                    )

**VERIFIED COMPLAINT OF FORFEITURE**

Comes now plaintiff, United States of America, by and through its attorneys, Michael W. Reap, Acting United States Attorney for the Eastern District of Missouri, and Julia M. Wright, Assistant United States Attorneys, and Charles S. Birmingham, Special Assistant United States Attorney, for said district, and in a civil cause of action for forfeiture respectfully bring this complaint and allege as follows:

**NATURE OF THE ACTION**

1. In this *in rem* civil action the United States seeks forfeiture of certain property, currently in the possession and custody of the plaintiff pursuant to the provisions of Title 7, United States Code, Section 2156. Specifically, this is an action to forfeit: approximately 171 Pit Bull Terrier dogs (hereinafter "defendant property"), for violations of Title 7, United States Code, Section 2156 and upon judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the Court may direct.

**THE DEFENDANTS IN REM**

2. The defendant property consists of the following property: approximately 171 Pit Bull Terriers seized by federal, state and local law enforcement officers on July 8 and July 9, 2009,

from various locations within the Eastern District of Missouri described in this complaint. The defendant property is currently maintained in the Eastern District of Missouri.

#### **JURISDICTION AND VENUE**

3. Plaintiff brings this action in rem in its own right to forfeit the defendant property in its possession pursuant to Title 7, United States Code, Section 2156.

4. Subject Matter Jurisdiction of this Court is based on Title 28, United States Code, Sections 1345, 1355(a), and Title 7, United States Code, Section 2156. *In rem* jurisdiction is based on Title 28, United States Code, Section 1355. Venue is proper in this district pursuant to Title 28, United States Code, Section 1355 and 1395 because the acts or omissions giving rise to the forfeiture occurred in this district and because the property is located in this district.

#### **BASIS FOR FORFEITURE**

5. The defendant property are animals involved in violations of Title 7, United States Code, Section 2156, which prohibits animal fighting ventures. Title 7, United States Code, Section 2156(f) provides, in pertinent part:

Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. Costs incurred by the United States for care of animals seized and forfeited under this section shall be recoverable from the owner of the animals if he appears in such forfeiture proceeding or in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

The defendant property is therefore subject to forfeiture to the United States of America, under the provisions of Title 7, United States Code, Section 2156(f). Because this Verified Complaint

is being submitted for the limited purpose of establishing grounds for forfeiture and providing notice to interested persons, it does not include all of the information known by the government in this investigation. Rather, this Verified Complaint sets forth only those facts necessary to satisfy forfeiture and notice requirements.

## **FACTS**

6. On or about July 8 and 9, 2009, federal, state and local law enforcement officers executed search warrants at the following locations in the Eastern District of Missouri: (A) Foley, Missouri (13 dogs seized); (B) Leslie, Missouri (16 dogs seized); (C) Leasburg, Missouri (24 dogs seized); (D) Hannibal, Missouri (26 dogs seized); (E) Wright City, Missouri (1 dog seized); (F) Richwoods, Missouri (5 dogs seized); (G) Hillsboro, Missouri (8 dogs seized); (H) Dittmer, Missouri (48 dogs seized); (I) Moscow Mills, Missouri (4 dogs seized); (J) Imperial, Missouri (20 dogs seized); and, (K) Morse Mill, Missouri (6 dogs seized). In addition, as part of the investigation, a consensual search and seizure was conducted at 201 Timberland Dr., Warrenton, Missouri.

7. Law enforcement seized defendant property from the above Eastern District of Missouri locations. From January 2008, to the present, the animals subject to this complaint were kept, bred, and maintained for participation in “animal fighting ventures” as defined in Title 7, United States Code, Section 2156, as well as other prohibited, illegal activities. The animal fighting ventures included animals delivered to Missouri from other states. Other property and items associated with illegal animal fighting ventures were observed at, or seized from, the aforementioned locations on July 8 and 9, 2009. Said property and items included: dog fighting training items such as treadmills, (slat, electric, and cat mills), exercise wheels,

harnesses, chains, weights, and other items used to strengthen or condition dogs, collars, leashes, chains and devices used to exercise or restrain fighting dogs; break sticks used to pry open dogs' jaws; physical items such as plywood, carpets, and metal cages used to fight dogs; dog fighting paraphernalia; literature affiliated with dog fighting such as magazines, training manuals, fighting brackets, and writings that depict or promote dog fighting or conditioning of dogs for dog fighting; veterinary supplies drugs, medicine, and vitamins used for the purpose of treating or vaccinating dogs, to treat injured dogs, or to enhance the performance of dogs that have been utilized in dog fighting ventures, and suture kits; photographs and videos depicting dog fighting; and, breeding records.

8. The investigation leading up to the search and seizures on July 8 and 9, 2009 revealed that a number of individuals residing in the Eastern District of Missouri, including those specifically identified in this Complaint, were involved in animal fighting ventures as defined in Title 7, United States Code, Section 2156(g). Specifically, these individuals regularly arranged, sponsored, and participated in dog fighting events in this District and elsewhere.

9. During the resulting searches, federal, state, and local officers and agents recovered and observed numerous items associated with an illegal animal fighting venture, including the defendant property. Specifically, the animals subject to this complaint were examined, and continue to be examined, by trained individuals from the Humane Society of Missouri and other animal care agencies. Such examinations and observations revealed that the animals are dogs that have been bred, trained, maintained, and used in animal fighting ventures. Many of the animals seized had scars and injuries consistent with those sustained in dog fighting ventures. Additionally, the animals were kept and maintained in manners consistent with animal fighting

ventures. Accordingly, the animals that constitute defendant property are subject to the provisions of Title 7, United States Code, Section 2156.

10. The individuals believed to have an interest in the defendant property, along with others, utilized the defendant property in animal fighting ventures. These individuals bred the animals for future use in animal fighting ventures and kept or sold the animals for the same purposes. The individuals further promoted, sponsored, facilitated and otherwise participated in animal fighting ventures, specifically dog fighting involving the defendant property.

11. The defendant property was seized in the Eastern District of Missouri and is now, and during the pendency of this action will be, in the jurisdiction of this Court.

12. The only persons known to have possible ownership interests in the defendant property are: Michael Morgan, Robert Hackman, Teddy Kiriakidis, Ronald Creach, Dayress Syndor, Tonia Hitchcock, Carlos Sanchez, Cornelio Ybarra, Efstathios Siaravas, Christopher Davidson, Steven Tatalovich, Percy Walton, Wesley Allen Grigory, Tim Kirk and Antwon Cade.

### **CONCLUSION**

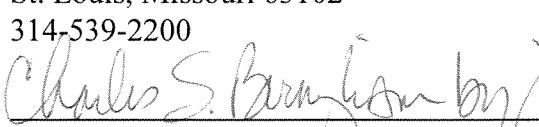
13. By reason of these premises, the defendant property is subject to forfeiture to the United States, pursuant to the provisions of Title 7, United States Code, Section 2156(f), because the defendant property constitute animals involved in any violation of Title 7, United States Code, Section 2156.

WHEREFORE, Plaintiff prays that the defendant property be forfeited to the United States of America, in accordance with the provisions of Title 7, United States Code, Section 2156, that the plaintiff be awarded its costs in this action, and such other relief as provided by law.

Respectfully submitted,

MICHAEL W. REAP  
Acting United States Attorney

  
JULIA M. WRIGHT, #4450  
Assistant United States Attorney  
111 South Tenth Street, 20<sup>th</sup> floor  
St. Louis, Missouri 63102  
314-539-2200

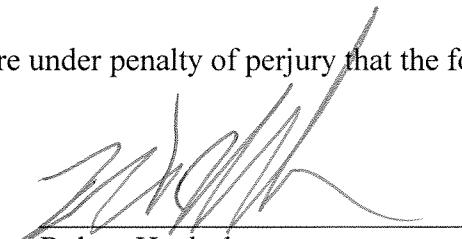
  
CHARLES S. BIRMINGHAM, #84178  
Special Assistant United States Attorney  
111 South Tenth Street, 20th Floor  
St. Louis, Missouri 63102  
(314) 539-2200

**VERIFICATION**

I, Special Agent Robert Hoelscher, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Federal Bureau of Investigation, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent of the Federal Bureau of Investigation.

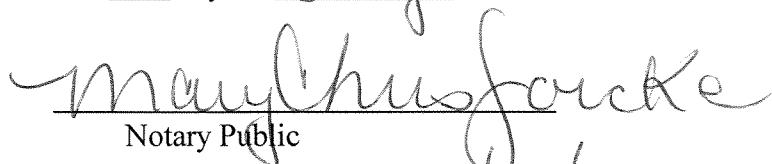
I hereby verify and declare under penalty of perjury that the foregoing is true and correct.



Robert Hoelscher  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me

this 13<sup>th</sup> day of July, 2009



MARY CHRIS JORCKE  
Notary Public

My commission expires: 8/8/2010

